

REMARKS

Claims 20 to 30 are pending in the application. Claims 20 to 30 are rejected under 35 U.S.C. § 112, second paragraph. Claims 28 to 30 are rejected under 35 U.S.C. § 112, first paragraph. Claims 20 to 30 are rejected under the judicially created doctrine of obviousness-type double patenting. Applicants request reconsideration and withdrawal of the rejections for the reasons set forth herein.

Claim Rejections – 35 USC § 112, second paragraph

Claims 20-30 are rejected under 35 U.S.C. 112, second paragraph as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 20-30 are rejected because a typographical error appeared in the formula of group (C), making the structure vague and unclear. Applicants apologize for the inadvertent typographical error and submit that correction has been made by the above amendments.

Applicants submit that the above amendments and remarks render the rejection here moot and respectfully request that rejection be withdrawn.

Claim Rejections – 35 USC § 112, second paragraph

Claim 27 is rejected under 35 U.S.C. 112, second paragraph as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The Examiner rejected Claim 27 and suggested that the phrase “therapeutically effective amount” be added to indicate the amount of compound present in the formulation. Applicants disagree with the position that the claim, as originally written, is indefinite. However

in order to advance the prosecution, claim 27 has been amended in accordance with the Examiner's recommendation.

Applicants submit that the above amendments and remarks render the rejection here moot and respectfully request that rejection be withdrawn.

Claim Rejections – 35 USC § 112, first paragraph

Claims 28-30 are rejected under 35 U.S.C. 112, first paragraph as failing to comply with the enablement requirement. The Examiner urges that the instant claims contain subject matter that is not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention.

Applicants disagree with the Examiner's position that the invention of claims 28 to 30 is not described in the specification. However in order to advance the prosecution, claims 28 to 30 have been amended in order to conform to standard United States claim language. The use of the compounds of the present invention as inhibitors of the kinases indicated in claims 28 to 30 is fully supported in the application, particularly in the assay sections, particularly on pages 28 to 32 of the specification.

Applicants submit that the above amendments and remarks render the rejection here moot and respectfully request that rejection be withdrawn.

Claim Rejections – Obvious Double Patenting

Claims 20 to 30 are rejected under the judicially-created doctrine of obviousness-type double patenting as being unpatentable over claims 1 to 8 of U.S. application 2007/0004771 in that the current claims are considered to be embraced by the cited application. Applicants contend that the double patenting rejection should be a provisional double patenting rejection as neither application has matured into a patent.

Applicants note that the instant application was filed more than a year before U.S. application 2007/0004771. As such, the cited application is not prior art against the instant application. In view of much earlier filing date of the instant application, applicants respectfully request that the obviousness-type double patenting rejection be held in abeyance until patentable subject matter has been identified. If patentable subject matter is identified in this application before such is identified in U.S. application 2007/0004771, the obvious type double patent rejection would become moot.

Applicants respectfully request that the rejection here be held in abeyance until patentable subject matter has been identified.

Applicants therefore submit that all reasons for rejection have been addressed and that the claims, as amended, are allowable. If any matter remains to be resolved before allowance, or discussion of any matter will facilitate the prosecution of this application, the Examiner is invited to call the undersigned attorney at the number provided.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Wayne J. Dustman", with a long horizontal flourish extending to the right.

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